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VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N. LASALLE STREET
CHICAGO IL 60601

In re Application of :
David I. J. Glen :
Application No. 09/272,069 :
Filed: March 18, 1999 :
For: **METHOD AND APPARATUS FOR** :
CONFIGURABLE GAMMA CORRECTION :
IN A VIDEO GRAPHICS CIRCUIT :

DECISION ON PETITION

This is a decision on the Petition to Withdraw the Holding of Abandonment filed December 23, 2004, pursuant to 37 C.F.R. § 1.181(a). No fee is required.

This application became abandoned for failure to timely reply to a non-final Office action mailed on May 10, 2004. A Notice of Abandonment was mailed on December 17, 2004.

Petitioner alleges to have timely filed a proper response, by facsimile on August 10, 2004. In support, petitioner has provided as evidence, copies of the response, a copy of a facsimile transmittal and a certificate of transmittal.

37 C.F.R. § 1.8 Certificate of mailing or transmission states in part:

(a) Except in the cases enumerated in paragraph (a)(2) of this section, correspondence required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated. [emphasis added]

Although the facsimile transmittal sheet does not reflect the Office's official facsimile number, it has been determined that facsimile number used by applicants was a facsimile number associated with the U.S. Patent and Trademark Office. Therefore, it is concluded that the papers were timely filed via facsimile transmission in compliance with the requirements of 37 CFR 1.8(a)(1).

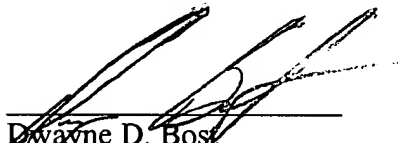
The certificate of facsimile transmission is also dated for a date after the facsimile transmission. However, given the date established on the facsimile transmittal, the date on the certificate of facsimile transmission will be taken as a typographical error.

Accordingly, Petitioner has complied with the requirements of 37 C.F.R. §1.8(a) above. The petition is **GRANTED**.

The holding of abandonment is withdrawn.

The application file is being forwarded to the technical support staff for processing the response to the non-final Office action which accompanied the petition. Thereafter, the application will be forwarded to the examiner for appropriate action in due course.

Petitioner is reminded that the Official Facsimile Number for all incoming correspondence to the Office is (703) 872-9306. Petitioner may want to note this number in order to avoid any future correspondence problems.



Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications